S.B. Criminal Misc. Petition No.846/2007.
(Jafar Husain Vs. State of Rajasthan)

03.07.2007

HON'BLE MR. GOPAL KRISHAN VYAS, J.

Mr. Shambhoo Singh for petitioner.

Heard learned counsel for the petitioner.

By this application under Section 482, Cr.P.C. the petitioner has prayed for recalling the order dated 02.05.2007 passed in S.B. Criminal Revision Petition No.718/2006, whereby the revision petition was dismissed against order of framing charge under Section 307, I.P.C.

It is pointed out by learned counsel for the petitioner that according to the injury report though the injury No.1 is grievous in nature but it is not inflicted upon the vital part of the body, however, in the order dated 02.05.2007 it is observed that there is injury on the vital part of the body which is error apparent on the face of record. It is contended by learned counsel for the petitioner that even according to the FIR the complainant only stated that the accused targeted the injury upon head but, in fact, it is borne out from the medical reports on record that injury was not inflicted upon vital part of the body. Learned counsel for the petitioner, therefore, submits that the aforesaid observation may be deleted and

order dated 02.05.2007 may be corrected accordingly.

In the facts and circumstances of the case, having perused the injury report as well as X-ray report, it is ordered that the words “allegation against the petitioner for targeting” shall be read in between the words “There is” and “injury upon the vital part of the” occurring in the first line of the second paragraph of the order dated 02.05.2007 passed in S.B. Criminal Revision Petition No.718/2006, so as to read as under :

“There is allegation against the petitioner for targeting injury upon the vital part of the body.....”

The petition is accordingly disposed of.

(Gopal Krishan Vyas) J.